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REMARKS

Claims 28 and 29 are pending. No new claims have been added.

Section 103 Rejections

Applicant respectfully requests reconsideration, pointing out that when applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (a) The claimed invention must be considered as a whole;
- (b) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; and
- (c) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention.

The applicant respectfully points out that prior art does not disclose or suggest automatic recording of Internet activity. In point of fact, the prior art directly teaches away from the present invention by requiring that the user input time. The Business Wire reference requires the users to use a telephone to input time. The Journyx reference requires user to input time and hours. Neither of these references teach or suggest (1) automatic tracking of (2) internet activity.

Journyx

Journyx discloses a computer implemented timesheet. The user is required to input information and as such directly teaches away from the present invention, wherein the tracking of a users time is automatic and not controlled by the user. The automatic nature of the applicants invention has significant advantages in that it allows employee time to be tracked and provides evidence of time spent on a client activity. When a user or employee, inputs their time, it is

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subject to their honor. Employees may not be accurately inputting time or may not properly associate time with the appropriate client.

Business Wire

The business wire reference is for tracking time spent on the telephone and associating it with a client. This is markedly different than the applicants invention, which tracks internet activity.

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CONCLUSION

Reconsideration and withdrawal of the Office Action with respect to Claims 27-28 is requested.

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

By:



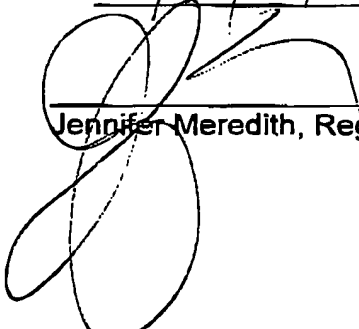
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on

2/19/04



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FACSIMILE TRANSMITTAL SHEET

TO:	Sonya Hilliard	FROM:	Jennifer Meredith
COMPANY:	USPTO	DATE:	02/19/04
FAX NUMBER:	(703)-308-3687	TOTAL NO. OF PAGES INCLUDING COVER:	6
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☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

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Dear Sonya:

Please find attached the proposed amendment after final for patent application No. 09/636,448.

Best Regards,


Jennifer Meredith